

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **SUPERSEDING
INDICTMENT**

- v. - :

JAMES ROSEMOND, :
a/k/a "Jimmy the Henchman," and : S6 10 Cr. 431 (CM)
RODNEY JOHNSON, :
a/k/a "Toree," :

Defendants. :

- - - - - x

COUNT ONE

USDC SDNY
DOCUMENT
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DOC #: 12913
DATE FILED: 12/9/13

(Murder for Hire Conspiracy)

The Grand Jury charges:

1. From at least on or about March 20, 2007, up to and including in or about September 2009, in the Southern District of New York and elsewhere, JAMES ROSEMOND, a/k/a "Jimmy the Henchman," and RODNEY JOHNSON, a/k/a "Toree," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate commerce, and to use and cause another to use the mail and a facility of interstate commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary

value, to wit, ROSEMOND, JOHNSON, and others, known and unknown, agreed and did pay others, known and unknown, to murder members of a rival music management business, in exchange for narcotics and money, which arrangements depended in part upon communications through a facility of interstate commerce, and which resulted in the death of Lowell Fletcher.

(Title 18, United States Code, Section 1958.)

COUNT TWO

(Murder for Hire)

The Grand Jury further charges:

2. On or about September 27, 2009, in the Southern District of New York and elsewhere, JAMES ROSEMOND, a/k/a "Jimmy the Henchman," and RODNEY JOHNSON, a/k/a "Toree," the defendants, willfully and knowingly traveled in and caused another to travel in interstate commerce, and used and caused another to use the mail and a facility of interstate commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, ROSEMOND, JOHNSON, and others, known and unknown, paid others, known and unknown, to murder Lowell Fletcher, in exchange for narcotics and money, which arrangements depended in part upon communications through a facility of interstate commerce, and which resulted in the

death of Lowell Fletcher.

(Title 18, United States Code, Section 1958 and 2.)

COUNT THREE

(Firearms Possession During Murder for Hire Conspiracy)

The Grand Jury further charges:

3. From at least on or about March 20, 2007 up to and including on or about September 27, 2009, in the Southern District of New York, JAMES ROSEMOND, a/k/a "Jimmy the Henchman," and RODNEY JOHNSON, a/k/a "Toree," the defendants, and others known and unknown, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, at least one of which firearms was discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.)

COUNT FOUR

(Murder Through Use of a Firearm)

The Grand Jury further charges:

4. On or about September 27, 2009, in the Southern District of New York, JAMES ROSEMOND, a/k/a "Jimmy the Henchman," and RODNEY JOHNSON, a/k/a "Toree," the defendants, and others known and unknown, during and in relation to a crime of violence for which

they may be prosecuted in a court of the United States, namely, the offense charged in Count Two of this Indictment, willfully and knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, ROSEMOND, JOHNSON, and others, caused the death of Lowell Fletcher, who was shot and killed in the vicinity of Jerome Avenue and Mount Eden Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 924(j) and 2.)

COUNT FIVE

(Narcotics Conspiracy)

The Grand Jury further charges:

5. From in or about 2008, up to and including on or about April 28, 2010, in the Southern District of New York, RODNEY JOHNSON, a/k/a "Toree," and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that RODNEY JOHNSON, a/k/a "Toree," the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United

States Code, Section 841(a)(1).

7. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT SIX

(Firearms Possession During Narcotics Conspiracy)

The Grand Jury further charges:

8. From in or about 2008, up to and including on or about April 28, 2010, and on occasions other than those charged in Counts Three and Four of this Indictment, in the Southern District of New York and elsewhere, RODNEY JOHNSON, a/k/a "Toree," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the offense charged in Count Five of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying and possession of firearms.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(C)(i) and 2.)

COUNT SEVEN

(Narcotics Possession)

The Grand Jury further charges:

9. On or about April 28, 2010, in the Southern District of New York, RODNEY JOHNSON, a/k/a "Toree," the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

10. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing cocaine, in violation of 21 U.S.C. § 841(b)(1)(A).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A), and Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATIONS

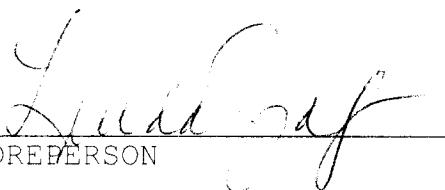
11. As a result of committing the controlled substance offenses alleged in Counts Five and Seven of this Indictment, RODNEY JOHNSON, a/k/a "Toree," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the narcotics violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violations alleged in Count Five and Seven of this Indictment.

12. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 856(a)(2) and 853.)



FOREPERSON



PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendants.

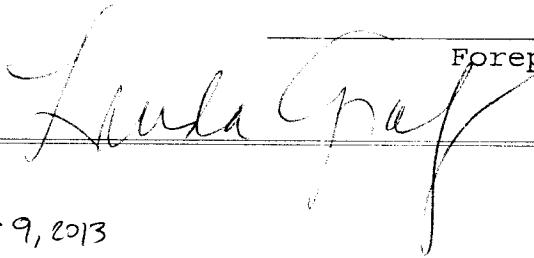
INDICTMENT

S6 10 Cr. 431 (CM)

(Title 18, United States Code, Sections
924, 1958 and 2; Title 21, United States
Code, Section 812, 841, and 846.)

PREET BHARARA
United States Attorney.

A TRUE BILL

Foreperson.

December 9, 2013

Filed Sealed indictment.

U.S.M.J. Debra Freeman